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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,547	08/11/2000	Richard Koenig	110273.00102	8847

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EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2172	17

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/636,547	KOENIG, RICHARD	
	Examiner	Art Unit	
	Joon H. Hwang	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *42-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *42-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited.(PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. The applicant requested reconsideration in the amendment received on 5/09/03. The pending claims are 42-61.

Response to Arguments

2. Applicant's arguments filed in the amendment received on 5/09/03 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Riordan discloses a relational database having a first data structure table storing identifying information about an entity (a data structure 604 in fig. 6) and a second data structure table storing an identification of category to which the entity belongs and a description field, which defines the scope of products, teaching descriptive information about the category (a data structure 602 in fig. 6, lines 34-67 in col. 8, and lines 1-7 in col. 9). Riordan discloses the description field in the second data table instead storing it in a third table. However, Kouchi stores data in a detail table separately in unit tables by utilizing relational database techniques (such as linking/binding tables/data with a

primary/foreign key, fig. 12 and lines 33-36 in col. 16). Kouchi discloses data can be stored in various different data structures (line 64 in col. 1 thru line 39 in col. 2), for example, a user may store names in a first table, addresses in a second table, and phone numbers in a third table, whereas another user may store the names, the addresses, and the phone numbers in a single table. Kouchi discloses storing data in a plurality of tables provides superior output performance such as high flexibility in types of output (line 61 in col. 14 thru line 54 in col. 15 and lines 61-64 in col. 7). Therefore, based on Riordan in view of Kouchi, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store descriptive information about the category in a separate table for organizing data in an alternative way to provide output performance such as high flexibility in types of output.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Riordan and Kouchi disclose categories/subcategories in a relational database. Riordan and Kouchi are silent on a free-form description for the category. However, Fohn discloses a string (text) description of a category, which teaches a free-form description, in a relational database (lines 35-51 in col. 4, lines 8-45 in col. 5, and fig. 2B). Therefore, based on Riordan in view of Kouchi, and further in view of Fohn, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a free-form description in order to provide more flexible and detailed information for the category.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 42-52, 54, 56, 58, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riordan et al. (U.S. Patent No. 6,078,891) in view of Kouchi et al. (U.S. Patent No. 5,802,511).

With respect to claim 42, Riordan discloses a computer-readable storage medium and a data structure stored in the medium (fig. 6). Riordan discloses a first data table storing identifying information about an entity (a data structure 604 in fig. 6 and lines 9-14 in col. 10). Riordan discloses a second data table storing an identification of category to which the entity belongs (a data structure 602 in fig. 6, lines 34-53 in col. 8). Riordan discloses a description field, which defines the scope of products, teaching descriptive information about the category (a data structure 602 in fig. 6, lines 62-67 in col. 8, and lines 1-7 in col. 9). Riordan discloses the description field in the second data table instead storing it in a third table. In other words, Riordan is silent on a separate third data table for storing the descriptive information about the category. However, Kouchi discloses a detail table storing associations of data from unit tables, which store the same data used for the associations (fig. 12, lines 61-67 in col. 14, lines 1-67 in col. 15, and lines 1-65 in col. 16). Kouchi stores data in a detail table separately in unit tables by utilizing relational database techniques (such as linking/binding tables/data with a primary/foreign key, fig. 12 and lines 33-36 in col. 16). Kouchi discloses data can be stored in various different data structures (line 64 in col. 1 thru line 39 in col. 2), for example, a user may store names in a first table, addresses in a second table, and phone numbers in a third table, whereas another user may store

the names, the addresses, and the phone numbers in a single table. Kouchi discloses storing data in a plurality of tables provides superior output performance such as high flexibility in types of output (line 61 in col. 14 thru line 54 in col. 15 and lines 61-64 in col. 7). Therefore, based on Riordan in view of Kouchi, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store descriptive information about the category in a separate table for organizing data in an alternative way to provide output performance such as high flexibility in types of output.

With respect to claim 43, Riordan discloses a relational database (lines 18-24 in col. 7).

With respect to claim 44, Riordan further discloses an identification field element identifying tables and linking tables via the identification field element (fig. 4, fig. 6, and lines 15-47 in col. 5).

With respect to claim 45, Riordan further discloses subcategory within a category (lines 34-53 in col. 8). Therefore, the limitations of claim 45 are rejected in the analysis above of claim 42, and the claim is rejected on that basis.

With respect to claim 52, Riordan discloses a name of the category, which teaches the identification of the category and a description field for describing objects (category, lines 34-67 in col. 8, lines 1-7 and lines 18-46 in col. 9, and fig. 6).

With respect to claim 54, Riordan discloses a name of the category/subcategory, which teaches the identification of the category/subcategory and a description field for describing objects (category/subcategory, lines 34-67 in col. 8, lines 1-7 and lines 18-46 in col. 9, and fig. 6).

The limitations of claim 46 are rejected in the analysis above of claim 42, and the claim is rejected on that basis.

With respect to claim 47, Riordan discloses a relational database (lines 18-24 in col. 7).

The limitations of claim 48 are rejected in the analysis above of claim 44, and the claim is rejected on that basis.

The limitations of claim 49 are rejected in the analysis above of claim 45, and the claim is rejected on that basis.

With respect to claim 50, Riordan discloses a search mechanism searching the data structure, which may be utilized with a query (category and subcategory), and a response (a search result, lines 37-67 in col. 10, and lines 1-13 in col. 11).

With respect to claim 51, Riordan discloses a search mechanism searching the data structure, which may be utilized with a query (category), and a response (a search result, lines 37-67 in col. 10, and lines 1-13 in col. 11).

The limitations of claim 56 are rejected in the analysis above of claim 52, and the claim is rejected on that basis.

The limitations of claim 58 are rejected in the analysis above of claim 54, and the claim is rejected on that basis.

With respect to claim 60, matching the data structure with the identification of the category teaches searching the data structure with a query (the identification of the category). Therefore, the limitations of claim 60 are rejected in the analysis above of claim 51, and the claim is rejected on that basis.

With respect to claim 61, matching the data structure with the identification of the category and the identification of the subcategory teaches searching the data structure with a query (the identification of the category and the identification of the subcategory). Therefore, the limitations of claim 61 are rejected in the analysis above of claim 50, and the claim is rejected on that basis.

5. Claims 53, 55, 57, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riordan et al. (U.S. Patent No. 6,078,891) in view of Kouchi et al. (U.S. Patent No. 5,802,511), and further in view of Fohn et al. (U.S. Patent No. 6,076,091).

With respect to claim 53, Riordan and Kouchi are silent on a free-form description for the category. However, Fohn discloses a text description of an object (category), which teaches a free-form description (lines 8-45 in col. 5 and fig. 2B). Therefore, based on Riordan in view of Kouchi, and further in view of Fohn, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a free-form description in order to provide more flexible and detailed information for the category.

With respect to claim 55, Riordan and Kouchi are silent on a free-form description for the category/subcategory. However, Fohn discloses a text description of an object (category/subcategory), which teaches a free-form description (lines 8-45 in col. 5 and fig. 2). Therefore, based on Riordan in view of Kouchi, and further in view of Fohn, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to utilize a free-form description in order to provide more flexible and detailed information for the category/subcategory.

The limitations of claim 57 are rejected in the analysis above of claim 53, and the claim is rejected on that basis.

The limitations of claim 59 are rejected in the analysis above of claim 55, and the claim is rejected on that basis.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 703-305-6469. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Joon Hwang
July 23, 2003

SHAHID AL ALAM
PATENT EXAMINER